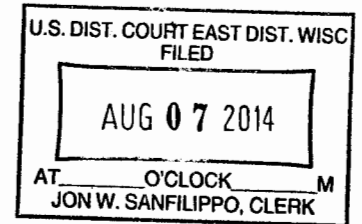


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN



LEO HARDY,

Plaintiff,

v.

OFFICER MICHAEL GASSER,  
OFFICER KEITH GARLAND, JR., and  
OFFICER MICHAEL VALUCH, JR.,

Defendants.

Case No. 13-CV-769-JPS

**SPECIAL  
VERDICT**

We, the jury, duly impaneled and sworn, for our special verdict in the above-entitled action, find as follows:

**CLAIM NO. 1**

**UNREASONABLE STOP AND FRISK AGAINST OFFICER GASSER**

**Question No. 1:** (see Part II, Section 1.1 of the Jury Instructions):

At the time of his initial stop of Mr. Hardy, did Officer Gasser have a reasonable suspicion that Mr. Hardy was committing, had committed, or was about to commit a crime?

Answer:

NO  
(Yes/No)

**Question No. 2:** (see Part II, Section 1.2 of the Jury Instructions):

Setting aside any questions regarding the nature of Officer Gasser's search of Mr. Hardy, did Officer Gasser have a reasonable suspicion that he or another was in danger of physical injury, so as to support a "frisk" or "pat-down" search of Mr. Hardy?

Answer:

NO  
(Yes/No)

**Question No. 3:** (see Part II, Section 1.3 and Section 5.1 of the Jury Instructions):

**Note:** Answer this question *if, and only if*, you answered "No" to either Question No. 1 or Question No. 2.

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for being stopped and frisked by Officer Gasser?

Answer: \$ 2,500.00  
(Amount)

**CLAIM NO. 2**  
**UNREASONABLE STOP AGAINST OFFICER GARLAND**

**Question No. 4:** (see Part II, Section 1.1 of the Jury Instructions):

At the time of his initial stop of Mr. Hardy, did Officer Garland have a reasonable suspicion that Mr. Hardy was committing, had committed, or was about to commit a crime?

Answer: NO  
(Yes/No)

**Question No. 5:** (see Part II, Section 1.3 and Section 5.1 of the Jury Instructions):

**Note:** Answer this question *if, and only if*, you answered "No" to Question No. 4.

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for being stopped by Officer Garland?

Answer: \$ 2,500.00  
(Amount)

### CLAIM NO. 3

## UNREASONABLE SEARCH AGAINST OFFICER GASSER

**Question No. 6:** (see Part II, Section 2 of the Jury Instructions):

Did Officer Gasser conduct a search of Mr. Hardy in an unreasonable manner?

Answer: No  
(Yes/No)

**Question No. 7:** (see Part II, Section 2 and Section 5.1 of the Jury Instructions):

**Note:** Answer this question *if, and only if*, you answered “Yes” to Question No. 6.

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for being unreasonably searched by Officer Gasser?

Answer: \$ \_\_\_\_\_  
(Amount)

**CLAIM NO. 4**  
**FAILURE TO INTERVENE AGAINST OFFICER GARLAND AS TO SEARCH OF MR.**  
**HARDY BY OFFICER GASSER**

**Question No. 8:** (see Part II, Section 3 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 6.**

Did Officer Garland know that Officer Gasser was conducting an unreasonable search of Mr. Hardy?

Answer: \_\_\_\_\_  
(Yes/No)

**Question No. 9:** (see Part II, Section 3 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 8.**

Did Officer Garland have a realistic opportunity to prevent an unreasonable search of Mr. Hardy by Officer Gasser?

Answer: \_\_\_\_\_  
(Yes/No)

**Question No. 10:** (see Part II, Section 3 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 9.**

Did Officer Garland fail to take reasonable steps to prevent injury to Mr. Hardy by Officer Gasser?

Answer: \_\_\_\_\_  
(Yes/No)

**Question No. 11:** (see Part II, Section 3 and Section 5.1 of the Jury Instructions):

**Note:** Answer this question *if, and only if*, you answered "Yes" to Question No. 8, Question No. 9, and Question No. 10. If you answered "No" to *any* of those three questions, *then* you should not answer this question.

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for Officer Garland's failure to intervene to prevent Officer Gasser's search?

Answer: \$ \_\_\_\_\_  
(Amount)

**CLAIM NO. 5**

**FALSE ARREST AGAINST OFFICER GASSER AND OFFICER GARLAND**

**Question No. 12:** (see Part II, Section 4 of the Jury Instructions):

At the time that he arrested Mr. Hardy, did Officer Gasser have probable cause to believe that Mr. Hardy had committed a violation of the law?

Answer: NO  
(Yes/No)

**Question No. 13:** (see Part II, Section 4 of the Jury Instructions):

At the time that he arrested Mr. Hardy, did Officer Garland have probable cause to believe that Mr. Hardy had committed a violation of the law?

Answer: NO  
(Yes/No)

**Question No. 14:** (see Part II, Section 4 and Section 5.1 of the Jury Instructions):

**Note:** Answer this question *if, and only if*, you answered “No” to either or both Question No. 12 and/or Question No. 13. *If you answered “Yes” to both of those questions, then you should not answer this question.*

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for being arrested without probable cause by Officer Gasser and/or Officer Garland?

Answer: \$ 1,000.00  
(Amount)

**CLAIM No. 6**  
**UNREASONABLE SEARCH AGAINST OFFICER VALUCH**

**Question No. 15:** (see Part II, Section 2 of the Jury Instructions):

Did Officer Valuch conduct a search of Mr. Hardy in an unreasonable manner?

Answer: NO  
(Yes/No)

**Question No. 16:** (see Part II, Section 2 and Section 5.1 of the Jury Instructions):

**Note:** Answer this question *if, and only if*, you answered “Yes” to Question No. 15.

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for being unreasonably searched by Officer Valuch?

Answer: \$ \_\_\_\_\_  
(Amount)

**CLAIM NO. 7**  
**FAILURE TO INTERVENE AGAINST OFFICER GASSER AS TO SEARCH OF MR.**  
**HARDY BY OFFICER VALUCH**

**Question No. 17:** (see Part II, Section 3 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 15.**

Did Officer Gasser know that Officer Valuch was conducting an unreasonable search of Mr. Hardy?

Answer: \_\_\_\_\_  
(Yes/No)

**Question No. 18:** (see Part II, Section 3 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 17.**

Did Officer Gasser have a realistic opportunity to prevent an unreasonable search of Mr. Hardy by Officer Valuch?

Answer: \_\_\_\_\_  
(Yes/No)

**Question No. 19:** (see Part II, Section 3 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 18.**

Did Officer Gasser fail to take reasonable steps to prevent injury to Mr. Hardy by Officer Valuch?

Answer: \_\_\_\_\_  
(Yes/No)

**Question No. 20:** (see Part II, Section 3 and Section 5.1 of the Jury Instructions):

**Note:**     **Answer this question if, and only if, you answered "Yes" to Question No. 17, Question No. 18, and Question No. 19. If you answered "No" to any of those three questions, then you should not answer this question.**

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for Officer Gasser's failure to intervene to prevent Officer Valuch's search?

Answer:     \$ \_\_\_\_\_  
                    (Amount)

**CLAIM NO. 8**  
**FAILURE TO INTERVENE AGAINST OFFICER GARLAND AS TO SEARCH OF MR.**  
**HARDY BY OFFICER VALUCH**

**Question No. 21:** (see Part II, Section 3 of the Jury Instructions):

**Note:**     **Answer this question if, and only if, you answered "Yes" to Question No. 15.**

Did Officer Garland know that Officer Valuch was conducting an unreasonable search of Mr. Hardy?

Answer:     \_\_\_\_\_  
                    (Yes/No)

**Question No. 22:** (see Part II, Section 3 of the Jury Instructions):

**Note:**     **Answer this question if, and only if, you answered "Yes" to Question No. 21.**

Did Officer Garland have a realistic opportunity to prevent an unreasonable search of Mr. Hardy by Officer Valuch?

Answer:     \_\_\_\_\_  
                    (Yes/No)



**Question No. 23:** (see Part II, Section 3 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 22.**

Did Officer Garland fail to take reasonable steps to prevent injury to Mr. Hardy by Officer Valuch?

Answer: \_\_\_\_\_  
(Yes/No)

**Question No. 24:** (see Part II, Section 3 and Section 5.1 of the Jury Instructions):

**Note:**      **Answer this question *if, and only if*, you answered “Yes” to Question No. 21, Question No. 22, and Question No. 23. *If you answered “No” to any of those three questions, then you should not answer this question.***

What amount of money, if any, do you award to fairly and reasonably compensate Mr. Hardy for Officer Garland’s failure to intervene to prevent Officer Valuch’s search?

Answer:    \$ \_\_\_\_\_  
(Amount)

**PUNITIVE DAMAGES AGAINST OFFICER GASSER**

**Question No. 25:** (see Part II, Section 5.2 of the Jury Instructions):

**Note:** You should answer this question *if, and only if*, you answered:

"No" to Question No. 1; or

"No" to Question No. 2; or

"Yes" to Question No. 6; or

"No" to Question No. 12; or

"Yes" to Question No. 19.

Was the conduct of Officer Gasser malicious or in reckless disregard of Mr. Hardy's rights?

Answer: YES  
(Yes/No)

**Question No. 26:** (see Part II, Section 5.2 of the Jury Instructions):

**Note:** You should answer this question *if, and only if*, you answered "Yes" to Question No. 25.

What amount of money, if any, do you award against Officer Gasser as punitive damages?

Answer: \$ 250,000.00  
(Amount)

PUNITIVE DAMAGES AGAINST OFFICER GARLAND

**Question No. 27:** (see Part II, Section 5.2 of the Jury Instructions):

**Note:** You should answer this question *if, and only if*, you answered:

"No" to Question No. 4; or  
"Yes" to Question No. 10; or  
"No" to Question No. 13; or  
"Yes" to Question No. 23.

Was the conduct of Officer Garland malicious or in reckless disregard of Mr. Hardy's rights?

Answer: YES  
(Yes/No)

**Question No. 28:** (see Part II, Section 5.2 of the Jury Instructions):

**Note:** You should answer this question *if, and only if*, you answered "Yes" to Question No. 27.

What amount of money, if any, do you award against Officer Garland as punitive damages?

Answer: \$ 250,000.00  
(Amount)

**PUNITIVE DAMAGES AGAINST OFFICER VALUCH**

**Question No. 29:** (see Part II, Section 5.2 of the Jury Instructions):

**Note:** You should answer this question *if, and only if*, you answered "Yes" to Question No. 15.

Was the conduct of Officer Valuch malicious or in reckless disregard of Mr. Hardy's rights?

Answer: \_\_\_\_\_  
(Yes/No)

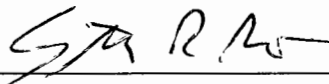
**Question No. 30:** (see Part II, Section 5.2 of the Jury Instructions):

**Note:** You should answer this question *if, and only if*, you answered "Yes" to Question No. 29.

What amount of money, if any, do you award against Officer Valuch as punitive damages?

Answer: \$ \_\_\_\_\_  
(Amount)

Dated at Milwaukee, Wisconsin, this 7 day of August, 2014.

  
\_\_\_\_\_  
Foreperson